

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FLAGSTAR BANK FSB,

Plaintiff,

v.

Case No. 19-cv-11512

Hon. Matthew F. Leitman

MICHAEL C. HILD, *et al.*,

Defendants.

**ORDER (1) DENYING PLAINTIFF'S RENEWED MOTION FOR A
DEFAULT JUDGMENT WITHOUT PREJUDICE (ECF No. 113),
(2) GRANTING DEFENDANT CHARLES STUMBERGER LEAVE TO
FILE A MOTION TO SET ASIDE DEFAULT, (3) DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT (ECF No. 102), AND
(4) GRANTING PLAINTIFF'S MOTION TO
EXCLUDE TESTIMONY (ECF No. 103)**

On October 31, 2024, the Court held a hearing on three motions that Plaintiff Flagstar Bank, FSB has filed in this case: (1) a renewed motion for default judgment against Defendant Charles Darren Stumberger (ECF No. 113), (2) a motion for summary judgment (ECF No. 102), and (3) a motion to exclude the opinion testimony of Defendant Michael Hild's expert witness, Allen Davis (ECF No. 103).

For the reasons explained on the record, **IT IS HEREBY ORDERED** as follows:

- Flagstar's renewed motion for a default judgment (ECF No. 113) is **DENIED WITHOUT PREJUDICE**. The Court **GRANTS** Stumberger leave to file a motion to set aside the default that the Court

entered against him on November 16, 2023 (ECF No. 86). Stumberger shall file that motion by no later than **December 2, 2024**.

- Flagstar's motion for summary judgment (ECF No. 102) is **DENIED**.
- Flagstar's motion to exclude the opinion testimony of Allen Davis (ECF No. 103) is **GRANTED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 31, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 31, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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